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The  
Administration  
of the  
Central Prisons  
Sabah

by

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A Project Paper submitted in partial  
fulfilment of the requirement for the Degree of  
Bachelor of Law (L.L.B. Hons).

Faculty of Law  
University of Malaya  
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PERPUSTAKAAN  
JABATAN ANTROPOLOGI DAN SOSIOLOGI

..... specially dedicated to

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mum, dad

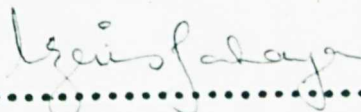
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Universiti Malaya.

  
.....  
(UZAIB BIN YAHAYA)

September 1976.

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## CHAPTER I

### INTRODUCTION

To most people prison is nothing but an institution where individuals, who had previously broken the law, are kept. Such conception reigns supreme particularly in the state of Sabah where majority of its population are still illiterate, if not, very poorly educated. Even the educated ones have an indifferent attitude towards the prison institution. This is by reason of the fact that prisons has nothing much to offer that can attract public attention. Consequently it remains an institution where very few know anything about. Little do they know regarding the aims and objectives of the prison institution. It is common knowledge among many and it is a misconception that the purpose of prisons is to punish. Therefore the public should not have anything to do with those to be punished. Such notion needs to be changed and maybe it can be said that one of the objects of this paper is to change the public attitude towards the institution.

The Sabah prisons has undergone tremendous progress. Prior 1952 a well organised prison institution has no existence at all. During those days prisoners had to live in Police Lockups. Maybe it can be said that during those days the actual aim and policy of a lockup or a prison is to punish. After all the Sabah was a colony and the writer firmly believes that it was never the object of the

colonialists to assist the locals or natives. They were actually interested in Sabah's natural resources. Therefore it is only natural for them not to render any assistance or to make the living condition better for people who have gone against their laws. But the Sabah Prisons had totally ceased to be what it was. With rehabilitation as its main objective, it has become a much better place for the prisoners.

But it could probably be submitted that the Sabah Prison is far from satisfactory as a correctional institution. The staffs in particular possess very low qualifications. The writer had spoken to some and it appeared that hardly any, particularly those in the lower rank, understand the actual meaning of rehabilitation. This is a very sad state and it is hoped that this paper, if at all presentable, will enlighten them regarding the actual set up and policy of a department which they are working in.

The Sabah Central Prison has made rehabilitation as its main objective. It is therefore the primary task of the writer to determine how successful is the administration of the prisons in the achievement of its objectives and aims.

The writer finds difficulty in getting references and materials regarding Sabah Prisons. Its history has never been written. Therefore, a correct historical aspects in the next chapter of this paper depends very much on the accuracy of the information given by the Director during the several interviews that the writer had with him. The administrative aspects is written in accordance with the information received from several interviews with Encik Michael



Jainul - a Principle Officer Grade 1.

It can be said that the materials which are quite heavily depended on are the 9 volumes of the Reports and Resource Material Series of the United Nations. The Sabah Prisons Regulations of 1958 and Sabah Prison Ordinance had their parts to play as well. The various text books on correctional institutions are also relied on.

Materials are also based on personal observation and interviews with personnel attached to the department. Such information is useful particularly in the writing of the administrative aspects of Prison are concerned.

The scope of this graduation exercise covers six chapters including the introductory chapter in chapter I. The reading of chapter II will give one a general idea of Sabah Central Prison. It touches mainly on the historical aspects and object of the institution. In chapter III the rights and privileges of prisoners will be discussed. It also touches on matters such as Prison discipline, the progressive stage system and the reception room. The organisational structure and duties of personnels are narrated in chapter IV. The subsequent chapter discusses the various prison programmes. It concerns the Employment of Prisoners, Prison Earning Scheme, Prison Industry, Remission System, Health and Food and Extra-Mural Activities. In so far as this paper is concerned there are certain recommendations which the writer wishes to make, and this is found in the final chapter, i.e. chapter VI.



## CHAPTER II

### THE CENTRAL PRISONS : AN OVERVIEW

#### A. Historical Background and its Development

The Prison Institution in Sabah is a new institution.

Prior to independence, prisons management came directly under the then North Borneo Police Force. It was in actuality a part of the Police.

In 1952 the need for a separate Prison Institution was felt. A separate prison building was constructed at Kepayan,<sup>1</sup> and in June 1953 the actual management began. Notwithstanding the fact that the prison had its own separate building, the administration was still under the Police Force. In fact the Commissioner of Police was also gazetted as the Commissioner of Prisons.<sup>2</sup> But the actual physical management was carried out by the Deputy Commissioner of Police. The latter is directly responsible to the Commissioner.

The Prison at Kepayan became the Central Prisons of the then North Borneo. There was also a divisional prisons at Sandakan.<sup>3</sup> The administration of the latter came directly under the Divisional

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<sup>1</sup> Located about 4 miles from Kota Kinabalu.

<sup>2</sup> North Borneo Report 1960, 122.

<sup>3</sup> North Borneo, Report 1949.

Superintendent of Police who was responsible to the Commissioner of Police. Besides these two Prisons there was no other prisons in any part of the colony.

In 1956 the Prisons Ordinance<sup>4</sup> was passed. By virtue of section 16 a Superintendent of Prisons was appointed to take charge of the Administration of the Central Prisons at Kepyayan. He was still responsible to the Commissioner of Police. It should be noted that the jurisdiction of the Superintendent of Prisons was solely confined to the Central Prisons. The Sandakan Divisional Prisons remained under the Divisional Superintendent of Police.

Prior to the implementation of the 1956 Ordinance Police Inspectors and Constables acted as Principle Officers and Warders. The 1956 Ordinance provided for the posts of Principle Officers and Warders and they were duly appointed when the Ordinance came into force. But it should be noted that any Police Inspector or Constable may, at the discretion of the Commissioner of Police, act as Principle Officers and Warders and vice versa.

With the formation of Malaysia in 1963 the Prisons Department became completely independent. It was divorced from the Police Force. The head of the Prisons was known as the Assistant Commissioner of Prisons. Down the hierarchy there were the Superintendent, Principle Officers and Warders. The jurisdiction of the Assistant

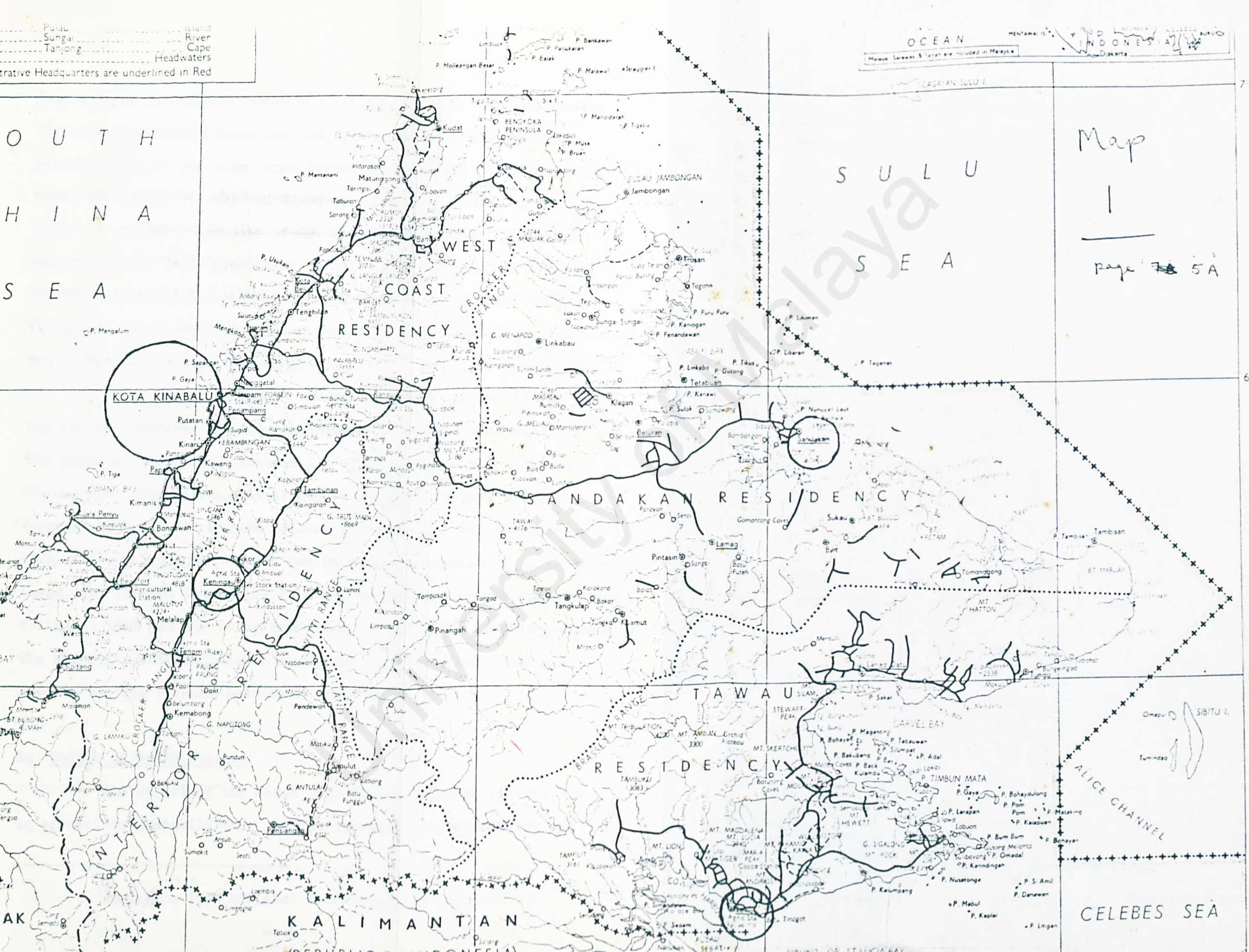
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<sup>4</sup>Prior to 1956 there was no similar ordinance.



Pulau  
Sungai  
Tanjung  
Island  
River  
Cape  
Headwaters  
Administrative Headquarters are underlined in Red

SOUTH  
CHINA  
SEA





Commissioner of Prisons extended throughout Sabah. In 1965 another divisional prison at Tawau was set up and the year 1967 saw the establishment of the first open Prison at Keningau. The Prisons in Sabah are located in various towns as shown in Map I.

In 1971, the post of Assistant Commissioner of Prisons was abolished. As a substitute, a new post, that is, the Director of Prisons, Sabah was created. The duties of the present Director is the same as that of the former Assistant Commissioner of Prisons. The difference is only in name.

With the formation of Malaysia, the Malaysian Prisons Department comprises the Prisons Department in West Malaysia, and the component Prisons Department in Sabah and Sarawak. Although administratively it was established as a single federal unit, they operate under three separate Prisons legislations until the introduction of a new legislation that can be commonly applied.<sup>5</sup> As it stands today, the Prisons Department in Sabah is governed by the Sabah Prison Ordinance 1956 and the Sabah Prison Regulation 1958. Notwithstanding the three separate legislations, the same policies and objectives prevail for the Prisons Department as a whole.

#### B. Object of Sabah Prisons

The object of the Sabah Prisons, as in other prisons, is to correct and rehabilitate. At the present time, correction and

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<sup>5</sup>Malaysia 1970 Official Year Book page 115.

rehabilitation are essential functions of the prison. All efforts are therefore directed towards preparing men for the transition from criminal life to law-abiding citizens.<sup>6</sup>

Rehabilitation is, however, always difficult in captivity i.e. just by locking the prisoners up. To attain measure of success in correction and rehabilitation, an unrestrictive atmosphere must be maintained in the prison and in treatment programmes such as education, vocational training, religious education and the like. This atmosphere should be established according to the needs of each offender. Undoubtedly, this is a move in the right direction. The policy of the Sabah Prisons is somewhat in line with the above mentioned.

#### C. Daily Administration, Central Prisons

The Prisons begins its activities early in the morning. The prisoners have breakfast at 6.30 a.m. They are given porridge and plain tea without sugar. It is mandatory that they should finish breakfast within 15 minutes. Generally they finish well before time. At 6.45 a.m. all prisoners are sent to their respective workshops. The types of work they normally do are tailoring, carpentry, rattan work, printing of invitations, repairing shoes, laundry and outside gang.<sup>7</sup>

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<sup>6</sup> K. Sokiyaek, Thailand - Report for 1972 and Resource Material Series N: 3 - UNAFEI (United Nations, Asia and Far East Institute), page 101.

<sup>7</sup> Outside gang refers to work the prisoners do when they do work outside prison compound.



Lunch begins at 11.00 a.m. Table I shows the scale and schedule of prisoners rations. Probably the quality and quantity of food served is far from satisfactory. The department also provides for punishment diet. It is only rice and salt. Occasionally, special diet is given. This is particularly so during festive seasons. The prisoners are given two hours to finish their food. After lunch they return to their respective dormitories and cells to rest.

Unlocking takes place at 1.00 p.m. It is working time again up to 4.00 p.m. In Sabah prisons no tea is served. This is probably due to the early dinner which is served immediately after work, that is, at 4.00 p.m. It is also games time for some prisoners. Due to the shortage of facilities prisoners take turns in playing games. Those involved in games normally take their food to their cells. It is dinner time for them after their games at their dormitories or cells. Lockup time is 6.00 p.m.

Due to the limited facilities, most prisoners have to remain doing nothing after 6.00 p.m. They take turns watching T.V. Prisoners who are not watching T.V. spend the rest of the time reading (if they are not illeterate). A prisoner watches T.V. only once a week. This is by reason of the fact that there are only 2 T.V. sets to cater for more than two hundred prisoners.

The library is open at 11.00 a.m. on Saturdays. A prisoner can borrow 1 book at a time. They rest on Sundays. The prisoners are permitted to play games on Sundays.

One of the pitfalls which cannot be avoided regarding the daily prisons administration is that although the prisons is a hive

of activity, it is a life of routine that is found in a prison.<sup>8</sup>

The prisoners do what they are told to do and the whole set-up runs according to a pattern where both staff and prisoners are busy doing their daily chores of maintaining discipline, issuing meals, cleaning the place etc. As such there is hardly any time for individualized treatment or organised programmes. Due to inadequate proper facilities, organised programmes cannot be executed effectively and efficiently.

'Rehabilitation is defined as the process of equipping a person morally, socially, and psychologically by imparting social values, strengthening the personality and the provision of vocational training.'<sup>9</sup> If the object of the central Prisons is to rehabilitate, the prison programmes should be geared towards rehabilitation. The daily activities is hardly close to rehabilitation. This is a serious matter and maybe the prison authorities should seriously see to it that the prisons are working towards its object.

The nocturnal activities of prisoners need special mention. The prisons, apart from those watching television, hardly do anything. More over they watch T.V. only once a week. It therefore means to say that they remain practically inactive or idle for six nights before going to bed. Maybe it should be recommended that some organised programmes be introduced for those who are not watching tele-

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<sup>8</sup> Some Problems of Rehabilitation in a Contemporary maximum security Prison by Mr. Narain Singh; Resource Material 1973, Vol. 6, UNAFEI (United Nations Asia and far East Institute).

<sup>9</sup> Ibid.



vision. Since there is not much time for the prisoners to participate in anything, apart from their daily work during the day, perhaps night time is the best for the prisoners to involve in more rehabilitative programmes. But probably it can be argued for the authorities that additional prison programmes means additional expenditure. It is normally due to the shortage of funds that has always kept them back.

TABLE 1

SCALE AND SCHEDULES OF PRISONERS RATIONS

ORDINARY DIET (1)

MONDAY, TUESDAY, WEDNESDAY, FRIDAY, SATURDAY

<u>ARTICLES OF DIET</u>	<u>QUANTITY</u>	<u>TOTAL COST PER DAY</u>
Rice (unpolished)	15 tahils daily	
Vegetables	3 " "	
Fresh Fish	3 " "	
Soya Sauce	4 " "	
Coconut oil	3/8 " "	
Salt	3/8 " "	
Tea	3/4 " per week	
Banana, Oranges or Lime	1 piece or 1 round daily	

ORDINARY DIET (2)

THURSDAY & SUNDAY

<u>ARTICLES OF DIET</u>	<u>QUANTITY</u>	<u>TOTAL COST PER DAY</u>
Rice (unpolished)	15 tahils daily	
Pork or beef	3 " "	
Vegetables	3 " "	
Soya Sauce	4 " "	
Coconut oil	3/8 " "	
Salt	3/8 " "	
Tea	3/4 " per week	
Banana	1 piece or 1 round daily	

## PUNISHMENT DIET

<u>ARTICLES OF DIET</u> =====	<u>QUANTITY</u> =====	<u>TOTAL COST PER DAY</u> =====
Rice (unpolished)	8 tahils daily	
Salt	2/3 tahils daily	

### D. Classification of Prisoners

Classification is indispensable to effectuate a proper and successful rehabilitation programmes of prisoners. It 'contributes to a smoothly, efficiently operated correctional programmes by the pooling of all relevant information concerning the offender, by devising a programme for the individual based upon that information, and by keeping that program<sup>me</sup> realistically in line with the individuals' requirements. It furnishes an orderly method to the institution administrator by which the varied needs and requirement of each inmate may be followed through from commitment to discharge .... classification not only contributes to the objective of rehabilitation, but also to custody, discipline, work assignments, officer and inmate morale and the effective use of training opportunities. Through the data it develops, it assists in long-range planning and development, both in the correctional system as a whole and in individual institution.<sup>10</sup>

The classification of prisoners is provided for in section 160(1) of the Sabah Prisons Regulations. With a view to facilitating the training of convicted prisoners and minimising the danger of

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<sup>10</sup>Handbook on Classification in Correctional Institutions, American Correctional Association, New York, 1947, page 10.



contamination, prisoners shall be classified, having regard to their age, character and previous history, in accordance with the following provisions:

a) Young Prisoners class, which shall consist of convicted prisoners under the age of 21;

b) Star class, which shall consist of: i) first offenders and ii) well behaved prisoners who have no vicious tendencies or habits. They shall wear white prison shorts and shirts. The collar of the shirt will be blue;

c) Ordinary class, which shall consist of all other convicted prisoners, who shall wear plain prison clothes;

d) Unconvicted class, which shall consist of all debtors, persons on remand or awaiting trial, vagrants, or persons detained for safe custody or for want sureties, who have not been convicted.

A prisoner may be removed from any class if, in the opinion of the Officer-in-charge, his character renders him unfit to associate with prisoners in that class.<sup>11</sup>

Arrangements shall be made whereby the prisoners in each class are segregated, as far as possible, and conditions allow, both at labour and in location.<sup>12</sup> Arrangements shall also be made at all local prisoners to provide, so far as practicable, for the effective segregation at all times of three classes of convicted prisoners.<sup>13</sup>

#### E. Purpose of Classification

'The purpose of classification is to ascertain the appropriate forms of treatment. The purpose is also to send the offender

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<sup>11</sup>s. 160(2) Sabah Prisons Regulations, 1958.

<sup>12</sup>s. 160(3) Ibid.

<sup>13</sup>s. 160(4) Ibid.



to the proper institution upon being convicted so that he is not exposed to any further contamination or victimisation and to enable the prisons authorities to carry out a meaningful and effective rehabilitation programme.<sup>14</sup>

Those offenders who do not have advanced criminal tendency or the first offenders should be kept away from the habitual offender to prevent contamination and that these again be divided into the various age groups. The juveniles and young offenders should be kept separately from the adult offenders. It is of utmost importance that they should not come into contact with the adult offender, even if the adult offender was a first offender. Young offenders should mix as far as possible with their own age groups, where they have interests in common and where they may be permitted to take part in healthy recreational activities. In Sabah young offenders are sent to Henry Gurney School Kota Kinabalu. Recidivists should be kept away from the first offenders and if possible be kept in a separate prison. However, it can probably be said that putting all the recidivists in one prison would be hazardous as it will only make them more hardened criminals instead of reforming them. This is true in a sense but what other alternatives do we have other than putting them all in one institution?

The mentally defective needed medical care and psychiatric treatment more than correctional treatment; and as such they be sent to the proper institution of treatment. Probably this category of

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<sup>14</sup>Summary Report of the Rapporteur, Resource Material, Series 6, 1973, UNAFEI, page 110.

offenders should also be kept in the particular institution until they are more or less completely cured. The discretion of releasing them should lie solely with the medical authorities. If the need be, the inmates may be kept longer than his sentence, if he has not been completely cured of the illness. On the other hand, if the recovery has been made before his date of release, and further stay in the institution will not do him any more good, this prisoner should be released, perhaps with some conditions, like out-patient treatment and certain restrictions. There is no specific provision wither in the Prison Ord, or the Prison Regulation governing mentally defective prisoners. But in West Malaysia S. 35(1) of the Prison Ord.<sup>15</sup> provided that the medical officer may direct such a prisoner who appeared to him to be mentally disordered to be removed to any mental hospital or other fit place of safe custody and there be detained.

The prisoners in the Central Prisons is classified according to the type of offence committed. They are treated in accordance with their needs. There are the First Offenders, the Recidivist and Young Offenders. But the writer, observed that the first offender and the recidivists are not kept separate. They are grouped together in accordance to their capabilities. If a First Offender and Recidivist are good, for example, in rattan work they will be put to work together. In other words, they are grouped together by skills or by means of what they can do. It can therefore be said that proper classification is only in paper. In actuality they are never kept separate and this

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<sup>15</sup>The Prison Ordinance, 1952 (F.M. Ordinance 81/52)



contamination is unavoidable. For better administration of the prisoners and their welfare maybe something should be done to ensure that proper classification is carried out.

In so far as the personnels involved in the classification of prisoners are concerned it is apparently inadequate. On admission a prisoner has to go to the reception room. A form as shown in Form One is given and he is required to fill it up. Should he be illiterate assistance will be provided for by the personnels.<sup>16</sup>

A Medical Officer shall prepare a report regarding the prisoner. Unfortunately in Sabah there is no professional medical man who visits the Prisons. The only alternative available is a Dresser who has 33 years of medical service behind him. The writer strongly feels that visits by doctors or a doctor to the Central Prisons is indispensable. But due to the shortage of doctors the problem remains unsolved. Nevertheless, it should be suggested that a doctor<sup>17</sup> visit at least once in two weeks to see the prison condition. After all, he is responsible for the work of the dresser assigned to the Central Prisons.

When the Form has been filled and medical report made the form will be sent to the Superintendent who will then assign as to what job suits the prisoner best. He makes his decision solely

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<sup>16</sup> At the moment there are 3 officers in charge of the reception room - one principle officer grade II and 2 warders.

<sup>17</sup> The ones available at the General Hospital.

# REKOD SEMENTARA BANDUAN No.....

page 15A

Penjara.....

Nama.....

Alamat.....

No. Kad Pengenalan.....Warna.....

Tempat & Tarikh Beranak.....Umur.....

Bangsa.....Ugama.....

Pelajaran.....Pekerjaan.....

Nama Waris.....Persaudaraan.....

Alamat Waris.....

Gambar

No. Kes.....

No. Waran.....

Kesalahan.....

Hukuman.....

Tarikh Masuk.....Tarikh Jangka Keluar.....

No. Muka Buku Harta Benda.....

Bentuk Muka.....

Berat Badan.....

Warna Kulit.....

Warna Rambut.....

Tinggi.....Kaki.....Inci

Tanda-tanda nyata ditubuh.....

C.I.J.K  
Banduan

Mahu/tidak mahu ulang bicara.

Mahu/tidak mahu menulis surat/berjumpa.

Undang-undang Penjara telah diberitahu.

tidak payat -

Tarikh.....

P. Y. M.

form - 1.

page 16 15A

# LAPURAN PEGAWAI PERUBATAN

Banduan ini adalah sihat/tidak sihat untuk bekerja.

Rawatan yang diberi pada masa ia masuk Penjara ialah:

tarikh

Pegawai Perubatan

## TEMPAT KEDIAMAN DALAM PENJARA

Tarikh	No Bilik	Bangunan	Tempat Bekerja	T.T. P.Y.M.

## KETERANGAN SURAT/LAWATAN

Tarikh	Perkara	T.T. P.Y.M.



relying on the form and medical report. He does not, at all, interview the prisoner concerned.

A careful study of the form as provided in Form 1 results in an inevitable conclusion that it is insufficient to get the actual information regarding the prisoner. In order to put the prisoner in the kind of job that fits him best it is vital to know his background. It can therefore be submitted that the filling of the forms is hardly sufficient. Probably there should be a kind of personal interview of the prisoners to find out the actual background knowledge of the prisoner concerned. The writer feels that it is through such interview that a proper classification can be achieved.

Should there exist such interview probably it should not be allowed to be conducted by the personnels who assist the prisoners in the filling of the forms. These officers are trained in custodial work and interview works are not therefore suited for them. The officers concerned should be trained in finding relevant information on the social, educational and family background of the prisoners. The informations gathered can probably contribute to the prisoners programme of correction and rehabilitation of prisoners. Therefore this sort of work should not be handled by Warders or Principle Officers who are not trained in this field. But again the problem remains unsolved. To demand for officers as suggested is probably asking a little too much. Even up to this date<sup>18</sup> the Central Prisons is filled mainly with lowly educated staff. Basing on the

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<sup>18</sup> April 1976.

survey made by the writer a great majority never had secondary education. Even some of the Principle Officers Grade II had only lower secondary education.

With the presence of lowly qualified staffs nothing much can be achieved at the moment. But it is only and surely temporary. The writer is confident that with the rapid development in Sabah the Central Prisons will, in the near future, be a greatly improved institution. Perhaps, the staff problem can be remedied by recruiting West Malaysia staffs<sup>19</sup> to assist the Central Prison before it gets its own local people.

#### F. Prisons Architecture

The Central Prison was built in 1952 and occupied in June 1953. Since then there was no actual change except for a new Head-Office built just outside the prison walls. From observation, the writer feels that the prison architecture and conditions does not provides the right sort of atmosphere needed to cater for the objectives. To rehabilitate the prisoners the prison condition should be improved. The gloomy atmosphere seems to defeat the rehabilitation programme. Maybe there is also a need for a repainting of the prison to brighten up the prison atmosphere.

The physical arrangement of prison housing units is important. It appears that single rooms or cells seem preferable to dormitories as housing for all inmates, as they permit privacy and reduce the pressures to behave as other inmates expect. Presumably criminal influences in prison are more effective when the inmate

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<sup>19</sup>On Secondment.



has free time, as opposed to the periods of organised work, study, or recreational activity.<sup>20</sup> Accordingly, effective strategy would appear to be to maximize privacy during periods when activities are not directed by the organised institution programme. Unrestricted freedom of movement to and from cells or dormitories should therefore be prohibited. But in the interest of treatment it is necessary to facilitate certain communications among inmates. Hence, it can probably be submitted that there must be a balance between the two.

In the Central Prisons most of the prisoners live in dormitories. Only the notorious one are put in the segregation cells. The size of each dormitories is about the size of 3 ordinary classroom. Free mixing is not restricted and maybe and probably such arrangement provides room for contamination. If the Central Prisons cannot afford to have single rooms for each prisoner, maybe a small dormitory accommodating 5 prisoners will suffice.

As can be seen in Map 2 the location (red circle) of the Central Prisons is excellent. It readily provides for extension. Surrounding the prison compound are state and alienated land. At the moment the land has not been utilised. Expansion of the Central Prisons can easily be made to the alienated land. Article 13(2) of the Federal constitution can always be invoked. It reads,

'No law shall provide for the compulsory acquisition or use of property without adequate compensation'.

Therefore the acquisition of alienated land for purposes of extension is always possible.

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<sup>20</sup> Daniel Glaser - The Effectiveness of a Prison and Parole System (Abridged Edition), page 100.



# КОТА

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In so far as the prison layout is concerned it is quite well arranged. The Head-Office is outside the prison wall. This is good because its isolation from the Prison wall provides a correct atmosphere for administrative purposes.

Being a developing state one cannot expect too much from the Central Prisons. It cannot provide for well equipped cells or dormitories. Short term<sup>21</sup> prisoners are only given pillows. There is no mattress for them. Only long term<sup>22</sup> are given pillows and 1 inch mattresses. But the present position should not be left as it is. Perhaps something should be done to see that the prisoners are provided with sufficient facilities particularly in terms of necessities.

Recreational facilities are quite satisfactory. The football field in particular is excellent. It is a standard size field. Games such as volleyball, and sepak takraw are played in the heart of the prison wall. Probably 'quite satisfactory' recreational facilities is insufficient. Maybe the Central Prison should provide the prisoners a gym for purposes of badminton, basketball and other indoor games. Such gym will not only benefit the prisoners but the prison officers who in turn can make full use of it. If Sabah can afford to brag regarding its prosperous treasury perhaps the construction of a gym is not all that difficult.

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<sup>21</sup>not exceeding 6 months.

<sup>22</sup>exceeding 6 months.



### CHAPTER III

#### CENTRAL PRISONS : THE INSTITUTION

##### A. The Progressive Stage System

The Prisons Department follows a system of Progressive stages with increasing privileges attached to the higher stages. Section 161(1) of the Sabah Prisons Regulations, 1958 provides that there shall be established wherever possible at every prison a system of Progressive Stages with increasing privileges attached to the higher stages. There are five stages of imprisonment namely First Stage, Second Stage, Third Stage, Fourth Stage and Special Stage<sup>1</sup>. Promotions from second stage onwards depends upon good conduct, industry and length of 'service' in each stage<sup>2</sup>.

The First Stage consist of short sentence prisoners and such prisoners shall be employed at any form of labour. The Second Stage consist of long sentences prisoners<sup>3</sup>. A prisoner on admission shall remain in this stage for the first three months of his sentence. A prisoner shall be eligible for promotion to the Third Stage provided he has not had a disciplinary charge against him for a period of at least one month<sup>4</sup>.

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<sup>1</sup>Section 161(2), Sabah Prisons Regulations, 1958

<sup>2</sup>Section 161(3) Ibid

<sup>3</sup>Section 163(1) Ibid

<sup>4</sup>Section 163(4) Ibid

After serving 3 months in the Second Stage with good conduct and industry, a prisoner shall be eligible for promotion to the Third Stage and in the Third Stage prisoners may be employed on any form of labour or they may be placed in a trade as the Officer-in-charge may direct<sup>5</sup>. A prisoner shall remain in this stage for twelve months<sup>6</sup>.

After serving 12 months in the Third Stage provided he has not had a disciplinary charge against him for a period of at least three months, a prisoner shall be eligible for promotion to the Fourth Stage, subject always to good conduct and industry<sup>7</sup>.

When a prisoner has completed twelve months in Fourth Stage provided he has not had a disciplinary charge against him for a period of at least six months, he shall be eligible for promotion to the special stage. He shall be employed upon a trade or such labour as the Officer-in-charges may direct, and subject to good conduct and the maintenance of his standard of skill at his trade he shall be eligible for promotion in the Earning Scheme<sup>8</sup>. A prisoner in this stage shall wear a special blue uniform<sup>9</sup>.

As a result of a disciplinary charge or for continued slackness at labour, a prisoner may be reduced in stage for such

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<sup>5</sup>Section 164(1) Ibid

<sup>6</sup>Section 164(2) Ibid

<sup>7</sup>Section 165(1) Ibid

<sup>8</sup>Section 166(1) Ibid

<sup>9</sup>Section 166(2) Ibid



period as the Officer-in-charge may specify<sup>10</sup>. A prisoner reduced to a lower stage shall not be entitled to restoration until he has completed at least three months without a disciplinary charge, or if reduced from the Special Stage, until he has completed at least six months without a disciplinary charge<sup>11</sup>. A prisoner reduced in stage shall also be liable to forfeiture of earnings, reduction in earnings grade or removal from Earning Scheme for a period not exceeding three months<sup>12</sup>. A prisoner in the Special Stage who is reduced a second times shall not be eligible for restoration until he has completed at least twelve months without a disciplinary charge<sup>13</sup>.

The Progressive Stage System shall be explained to every prisoner on first admission and the Officer-in-charge will ensure that it is thoroughly understood.

#### B. Rights of Prisoners

Nowadays complaints raised by persons serving sentences do not totally vanish in the air. The Prison authorities are becoming very willing to look into such complaints and afford the

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<sup>10</sup>Section 167(1) Ibid

<sup>11</sup>Section 167(2) Ibid

<sup>12</sup>Section 167(3) Ibid

<sup>13</sup>Section 167(4) Ibid



complainants hearings. It therefore means to say that prisoners, in particular, are not anymore at the mercy of correctional authorities. The Central Prisons has established standards of procedures for dealing with the offenders. This is by way of setting up a disciplinary committee which listens or hears complains as made by the complainants. It can therefore be said that the prison authorities have to act reasonably in carrying out their duties. But the matter ends there and there is no way by which the prisoner can appeal. The decision of the committee is final.

Any prison officer can be held liable for unauthorized punishment or for administering or permitting physical punishments or for displaying inhumanity to prisoners<sup>14</sup>. But it should be noted that the prisoners face serious misfortune in attempting to seek redress. This is by virtue of the fact that most of the prisoners in Sabah are not well educated and tend to forget totally regarding their rights at prisons. Moreover such rights are never explained to them on admission. From the observation of the writer at the central prisons, it appears that the prisoners are generally very submissive. They tend to follow an order given by any prison officer and accept any punishment even if it does not commensurate with offence committed.

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<sup>14</sup> Manual of Correctional Standards, issued by The American Correctional Association, Page 274.

Another factor which deter a prisoner from taking any matter to the disciplinary committee is probably because of the fact that he does not wish to be unpopular among the prisoner Warders or Officers and thus receive a worse treatment in future. Another reason relates to the question of evidence. Most, if not all, prisoners would like to be, the good books of the officers and giving evidence against such officers is something which they would wish to avoid. Under such circumstances it will be very difficult for any case brought by a prisoner (complainant) to succeed.

A prisoner, if he does not wish to make a complaint to the disciplinary committee, can elect to make such complaint to the Visiting Justice. Section 94(3)(d) provides that every prisoner has the right to make complaints to the Visiting Justice. Should any member of the public or any prisoner desires to make a complaint against any Prison Officer such complaint shall be reduced to writing read over and explained to the complainant and, when correctly recorded, signed by him<sup>15</sup>.

Other rights include the right to appeal. The Sabah Prisons Ord., 1956 and the 1958 Prisons Regulations provides for such right. Section 56 of the prisons ordinance, 1956 provides that the officer-in-charge shall inform a prisoner within 24 hours on his admission of his right of appeal.

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<sup>15</sup> 5.10(1) Sabah Prisons Regulations, 1958.



### C. Privileges of Prisoners

Every prisoner shall be allowed the privilege of receiving and writing such letters and receiving such visits from friends, under such conditions as may be prescribed in regulations. No other visit or communication shall be permitted except by an order in writing from the Officer-in-charge or the Commissioner<sup>16</sup>. On good cause being shown it shall rest with the Officer-in-charge to permit a prisoner to write a special letter and receive a reply or to receive a special visit.<sup>17</sup> Should a prisoner be seriously ill and desire to be visited by any near relative or friend, the Officer-in-charge, on the recommendation of the medical officer, may give an order in writing for the admission of such relative or friend if he considers it advisable<sup>18</sup>.

All prisoners, other than convicted criminal prisoners, are given reasonable opportunity of communicating with their friends or legal advisers and they may write or receive letters; every visit paid by a friend or legal adviser to any such prisoner shall take place within the sight and, except in the case of a legal adviser, in the hearing of a prison officer<sup>19</sup>. Probably, it should be recommended that all law students take note of this section (S.86(1))

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<sup>16</sup>S. 85(1) Ibid.

<sup>17</sup>S. 85(2) Ibid.

<sup>18</sup>S. 85(3) Ibid.

<sup>19</sup>S. 86(1) Ibid.



- (c) Fourth Stage: A prisoner in this stage shall be eligible to attend concerts, cinemas and lectures if he so desires. He may have approved means of recreation in his cell and may be permitted to partake in both indoor and outdoor recreation; he may also receive library books as often as practicable.
- (d) Special Stage: A Special Stage prisoner may attend concerts, cinemas and lectures. He may partake indoor and outdoor recreation and receive such number of library books as he may require. He shall not be locked in his cell at midday or until one hour after the normal hour of lock-up. Similar facilities will be afforded at weekends. He may be permitted to move about the prisons without escort unless sent on official business. An extra blanket and a sleeping mat may be issued him.

Section 168(4) of the Sabah Prisons Regulations, 1958 provides for additional privilege. It states that prisoners in all stages shall be eligible to receive suitable books or periodicals from home. Section 168(5) of the same Regulations further provides that prisoners in all stages shall be eligible to receive such other privileges as may, from time to time, be approved by the Director of Prisons.

Correspondence and visiting privileges can be an important and valuable part of a realistic treatment programme. The members of the inmates' family should be permitted and encouraged to maintain close contact with the inmate, not only to help his morale while serving a

sentence but to sustain family life, insure close ties after release, and assist in the inmates institutional adjustment, giving him encouragement and helping him keep in touch with the outside world in a practical way<sup>23</sup>.

To a prisoner, letters from home and from friends are often as important as visits. Permission to write friends or relatives affords inmates opportunity to express affection for loved ones and in many instances to release feelings of distress and loneliness<sup>24</sup>. Letters are of such tremendous importance to the inmate that institutions are glad to encourage correspondence as an integral part of the treatment programme.

However, censoring of both incoming and outgoing mail has been regarded as an absolute necessity since it was thought to serve a number of important purposes : the preventing of contraband being introduced into the institution, the discovery of possible escape plans, and the disclosing of problems at home and at the institution which may be upsetting or troublesome to the inmate<sup>25</sup>.

Another privilege established in virtually all correctional institutions is the inmate canteen. Its purpose is to afford inmates

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<sup>23</sup> Manual of Correctional Standards issued by The American Correctional Association, page 542.

<sup>24</sup> Ibid, page 545.

<sup>25</sup> Ibid, page 546.



opportunity to purchase a restricted list of items not furnished by the institution which give comfort to the inmate and improve his morale. Sometimes certain items of clothing, especially underwear and socks, are included to the advantage of the inmate<sup>26</sup>.

'Institutions publication is another matter which have a well-established place in developing and maintaining good inmate morale and most institutions permit and encourage their inmates to publish their own periodicals. Such periodicals give opportunity for inmate self-expression, for the presentation of institution news to the population. Such publication should be written primarily for the inmate population, containing the kind of news and other material in which its insider readers are interested'<sup>27</sup>.

It is unfortunate that the Central Prison has nothing in the nature of institution publication. This is primarily due to the fact that most of the inmates are not well education and hence the writing of articles by them is practical impossible. Moreover most of them have no interest in reading.

#### D. Reception Room

On admission to prison a prisoner will first go to the reception room. He is then required to fill in a form as shown in Form

1. No prisoner shall be admitted into a prison, unless accompanied by a remand warrant or order of detention or a warrant of conviction or of committal<sup>28</sup>.

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<sup>26</sup> Ibid, page 550

<sup>27</sup> Ibid, 551

<sup>28</sup> S. 54(1) Sabah Prisons Ordinance, 1956.



Warrants of commitment of a prison by Native Courts shall be accepted as sufficient authority for detention in a prison provided they are countersigned by a District Officer<sup>29</sup>.

The Officer-in-charge shall then verify that the prisoner is the person named in the warrant or order and that such warrant or order bears the signature and seal of the proper authority and in all other respects complies with the requirement of law<sup>30</sup>. The Officer-in-charge shall not refuse to accept a prisoner on the ground that there is an error on the face of any warrant or order of detention, but he shall take steps, as soon as practicable, to have the error corrected.

Section 56 of the Sabah Prisons Ordinance, 1956 provides that the Officer-in-charge of the Prisons to which any convicted criminal prisoner is first committed after conviction shall inform such prisoner within 24 hours of his admission of his right of appeal.

Every prisoner, male or female, shall be searched on admission, and at such times subsequently as the Officer-in-charge may think necessary or as the Director of Prisons may direct, by a Prisons Officer of his or her own sex, and prohibited articles shall be taken from such prisoner<sup>31</sup>. Upon the admission of any person to prison and from time to time the Officer-in-charge shall cause to be recorded such particulars

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<sup>29</sup> s. 54(2) Ibid.

<sup>30</sup> s. 54(4) Ibid.

<sup>31</sup> s. 60, Ibid.

regarding each person as the Director may direct in Prison General Orders<sup>32</sup>. All money, clothing or other effects belonging to a prisoner which he is not allowed to retain shall be placed in the custody of the Officer-in-charge who shall keep an inventory thereof which shall be signed by the prisoner. All such property shall be returned to such prisoner on his discharge : Provided that the Officer-in-charge may permit, in his discretion, and at the prisoner's request, any property to be sent to the prisoner's relatives or friends. In any case where the clothes of a prisoner are so old, worn out or filthy as to be useless or not capable of being cleaned, the Officer-in-charge shall order the same to be destroyed, and in such cases, on the release of such prisoner the Officer-in-charge shall give him clothing which shall conform to respectability<sup>33</sup>.

Before a prisoner is sent to his cell the Medical Officer's Report must be satisfied.

At the reception it is important that a prisoner be given instruction in the programmes and procedures of the institution. They should also be informed of their privileges and responsibilities, and the detailed rules and regulations which they need to be familiar. Orientation ought to begin immediately on admission. Firstly the portion of the orientation programme should be devoted to acquainting inmates with those functions of the administration which concern them most directly.

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<sup>32</sup>S. 61 Ibid.

<sup>33</sup>S. 62(2) Ibid.



It is also important that inmates understand the policy behind certain rules and routine of the institution.

In Sabah, Central Prisons, hardly any of the above is carried out at the Reception Room. After registration and completing certain administrative procedure, a prisoner is let to his dormitory. It may be difficult for the officers at the reception room to explain e.g. the rules and regulations to a prisoner<sup>who</sup> is illiterate or very lowly educated, but the writer feels that taking a prisoner round the prisoner area immediately after admission so as to enable him to be familiar with the place is not at all difficult. Even that is not done.

#### E. Prisons Discipline

Discipline is the outcome of a process of training intended to produce order and controls and equal opportunities for achievement, and is the essence of social behaviour which permits community living. Paul W Tappan in his book 'Contemporary Correction', at page 167, observed that 'discipline is directed towards the development of patterns of behaviour which will be of help to the prisoner in his future adjustments in the free community. In this sense, discipline is a central objective in the aims of the administrator and his rehabilitative staff. The custodial staff may be more immediately concerned with discipline in its narrow sense : the prevention of misconduct and disturbances. The long-term objectives of discipline cannot be clearly separated from the immediate concerns of the custodial staff, and thus discipline



becomes a function of the administrator and his entire personnel<sup>34</sup>.

Everyone connected with prisons, including inmates, agrees that there must be 'discipline' among the inmates and among staff members<sup>35</sup>. It therefore follows that punishment is necessary in order to maintain conformity. The mere ability to conform to prison rules and regulations among inmates is insufficient. It is also necessary for them to develop self - discipline and self-controls. The submissive nature of the prisoners at the Central Prisons automatically makes them well disciplined. Being uneducated (at least most of them) they may not understand the primary object of a prison. They may think that a prison is a centre of punishment and therefore expect for the worst. It is probably due to the fact that the treatment they receive is far better than they expected that make them very submissive; of course they are other factors.

It has been said that the only sound basis of good discipline is good morale. Hence proper discipline builds morale. A high level of moral within the prisons is the most valuable aid to a custodial programme. Good treatment and good personnel help further in establishing a good inmate morale and self-discipline which consequently aid substantially in the maintaining of proper custody and climate.

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<sup>34</sup> Manual of Correctional Standards issued by The American Correctional Association, page 401.

<sup>35</sup> Lutherland, Edmin H and cressey, Donald R, Principles of Criminology page 471.

It has been suggested that discipline should be considered on an individualised basis. This is probably due to the fact that factors which contribute to the making of a criminal are varied and complicated. Hence the technique and services required in correctional treatment must necessarily be varied particularly in understanding an inmate as a person. We need to understand the personalities of the inmates and accept them as individuals. Therefore knowledge of his social background is indispensable. 'No two men are alike, and that which will turn one man's thoughts toward changing his way of life may irretrievably antagonise another'<sup>36</sup>.

It is important that the management should vaguely know the prisoners' state of mind and their response towards institutional activities. The prisoners must be made aware of the opportunities available to them and also what is expected of them. It is also important that they know from official sources, and not from rumour, what the management is doing or planning which affects their welfare. 'A good system of communication surely helps relieve the inmate's feelings of insecurity about his situation. Through improved communication, mutual suspicion and other disturbed feelings between the prisoners and staff will be replaced by greater mutual acceptance'<sup>37</sup>.

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<sup>36</sup> Erickson, G.A. Warden Ragen of Joliet, page 143.

<sup>37</sup> Manual of Correctional Standards issued by The American Correctional Association, page 407.

Proper and effective orientation also has a very significant role to play. 'Through such orientation, the inmate may understand his own situation more clearly and the conditions under which he must live and work and study in prison. Such orientation will do much to relieve his uncertainty about his situation; will inform him of what is expected of him and, in this way, give him a feeling of security which is essential to good adjustment and progress',<sup>38</sup>.

Discipline of a prison is therefore dependable on the activity of a prison. 'It is the result of the entire institutional programme and the inter-personnel relationships of the staff among themselves and with the inmates',<sup>39</sup>.

Hence, if discipline is good, this is not due to any one part of the programme above. The helpful and understanding officers and so on all play their part.

#### F. Women's Prisons

The Women's Prisons is within the compound of the Central Prisons. It is about 0.83 acres. The officer-in-charge is the Matren<sup>40</sup>. She is assisted by two senior wardresses and seven wardresses. There

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid, page 420.

<sup>40</sup> She holds the post of Principle officer grade II.



are four prisoners at the time of writing.

In every Women Prisons there shall be a female Prison Officer<sup>41</sup> who shall have charge of the care and superintendence of the female department, and who shall be responsible for the observance by female prisoners of the regulations and Prison General Orders<sup>42</sup>. No male Prison Officer shall enter or remain in a cell or ward in which female prisoners are confined unless accompanied by a female Prison Officer<sup>43</sup>.

Male and female prisoners shall be kept absolutely separate from each other and shall be confined in different buildings<sup>44</sup>.

No woman prisoner is to leave the woman prison walls. Their work is strictly confined to their area. There is not much recreational facilities made available to them. There is one television set to cater for 4 prisoners.

Unlike that of the male prisoners, the women prisoners are permitted to watch television nightly. Physical exercise is almost negligible. Regarding individual work they are taught in rattan work, sewing, gardening etc.

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<sup>41</sup>Matren.

<sup>42</sup>S.28, Sabah Prisons Ord., 1956.

<sup>43</sup>S. 29

<sup>44</sup>S. 156, Sabah Prisons Regulations 1958.

There is no classification in so far as Women prisoners are concerned. They are mixed together irrespective of the crime committed. There is no actual distinction between first offender and recidivist. This is probably due to the small number of woman prisoners.

Whatever the situation and condition in the Women Prison the policy should always be towards rehabilitation. Maybe games should be introduced to them. But due to the indifferent attitude of the prisoners such introduction is difficult. During the writer's visit to the Women Prison it was found that the prisoners are generally in their 40s, and were quite shy. It appeared that gardening is their main past-time .



## CHAPTER IV

### CENTRAL PRISON : PERSONNEL

#### A. Units of the Organisation

The composition of the Central Prisons can be divided into two principal groups - the prisoners and the employees. The number of prisoners changes everyday. But on 11th March, 1976 there were as many as 220. 86 convicted prisoners, 32 on remand, 101 on detention orders and 1 held under the Preservation of Public Security Ordinance.<sup>1</sup> For a clearer picture, refer to Table 2. But this number is much less as compared with recent years as shown in Table 3. Probably the number may be lower still if it had not been for the influx of illegal immigrants from the Philippines to Sabah. At the moment there are 120 uniform and 22 non-uniform employees.

Four categories of services are provided for in the Department. Medical services top the list. It takes care of the sick prisoners. Unfortunately not much weight is given in this field. Medical service is taken care of by senior dresser. He comes daily to the prisons. But he spends only about an hour after which he will return to the Queen Elizabeth Hospital<sup>2</sup> for his other duties. Doctors cannot afford to visit the prison. Going to the prisons will definitely deprive the

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<sup>1</sup>P.P.S.O.

<sup>2</sup>General Hospital.

TABLE 2

## PRISONERS BY RACE AND TERM OF SENTENCE

	Life sentence	18 months and above	12 months - less 18 months	6 months - less 12 months	3 months - less - 6 months	1 month - less - 3 months	Less 1 month
Melayu		1					
China	1	6		1		1	
Kadazan			2	1	1	2	3
Indonesian	3	6	2	2	1	2	
Filipino	4	5	6	7	1	2	3
Bajan				1	1		1
Orang Sungei		1					
Murut	3		1				
Lain-Lain Bangsa							
Total: 86							
Convicted Prisoners	: 86						
Prisoners on Remand	: 32						
On Detention Orders	: 101						
Under P.P.S.O.	: 1						
Total	: 220						

Source: Reception Room, Prisons Department, Sabah.



**PRISON STATISTICS: SARAH**  
**PERSONS COMMITTED DURING THE PERIOD**

Period	For debts	Under emergency regulations (detained)	For safe custody*	For term of Imprison- ment	Bani- shees	Total	Daily average in prison
1963	-	-	782	(a)	(a)	1,589	341
1964	(a)	-	(a)	(a)	(a)	(a)	(a)
1965	-	-	142	(a)	(a)	438 (b)	502 (c)
1966	-	-	111	(a)	(a)	458 (b)	370 (c)
1967	-	-	172	(a)	(a)	570 (b)	313
1968	-	-	405	(a)	(a)	1,059	287
1969	-	42	500	(a)	(a)	1,025	203
1970	-	32	421	(a)	(a)	1,003	185
1971	-	3	605	(a)	(a)	1,445	245
1972	-	1	631	(a)	(a)	1,865	353
1973	-	2	666	(a)	(a)	1,746	306
1974	-	7	491	(a)	(a)	1,255	206

\*Subsequently discharged, including lunatics.

(a) Not available.

(b) The great reduction in the figures of convicts from 1965 to 1967 is due to the reduction in the number of illegal immigrants from Indonesia and Philippines.

(c) The higher figures of 'Daily Average' in 1965 and 1966 are due to the number of detainees.

Source: Malaysia Year Book 1974.

ordinary citizen of their invaluable services. This is due to the obvious shortage of doctors in Sabah.

The second category is technical services. This revolves mainly around the ambit of industry. Industrial instructors are employed to help the prisoners in industrial work, for example, the making of rattan chairs, tables, etc.

Administrative services comes next. These include receptions, general office, record office of both prisoners and uniform staff and transport facilities for the prison employees.

The last one is the general services. It provides for daily maintenance of food, kitchen activities, prison compound, prison cells and other activities which are necessary for the uninterrupted operation of the prisons. The services are both done by prisoners and uniformed staff.

#### B. Organisational Structure

'The organisational structure is organised on a superior-subordinate basis. The superior officer exercises jurisdiction over those beneath him in the hierarchy. The Central Prison uses military terminology for its pattern of organisation. Such terms as superintendent, sergeant, warders are common usages. This usage is conducive for the prison because, being a typically coercive organisation, it automatically brings into the prison an atmosphere of rigid discipline akin to military discipline.'<sup>3</sup>

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<sup>3</sup>The Administration of the Penang Prisons Department by Syed Tamin Ansari bin Syed Mohammed (with necessary modification), p. 28.



The Director of Prisons, who is the number one man, is responsible for the proper management of the prisons.<sup>4</sup> Section 9(1) of the Sabah Prisons Ordinance, 1956 provides that the direction and administration of the prison service and all matters relating to prisons in the state shall be vested in the Director .....

Below the Director we have the Superintendent. He is the Officer-in-charge at the Central Prisons, Kota Kinabalu. He is responsible to the Director. There is only one superintendent in the whole of Sabah.

Chart 1 shows the Personnel Chart of the Central Prisons.

#### C. Duties of Director of Prisons

He shall ensure that the provisions of the Sabah Prisons Ordinance, 1956 and the Sabah Prisons Regulations, 1958 are strictly observed throughout the prison service and the prison of the state. He shall take steps to secure uniformity of the administration throughout all prisons.<sup>5</sup> It is further provided that the direction and administration of the prison service and all matters relating to prisons in the state shall be vested in the Director.<sup>6</sup>

It will be impossible for the Director to perform his duties himself. He therefore delegates his powers to his subordinates. Delegation of power of Director is provided in S. 10 of the 1956 Ordinance.

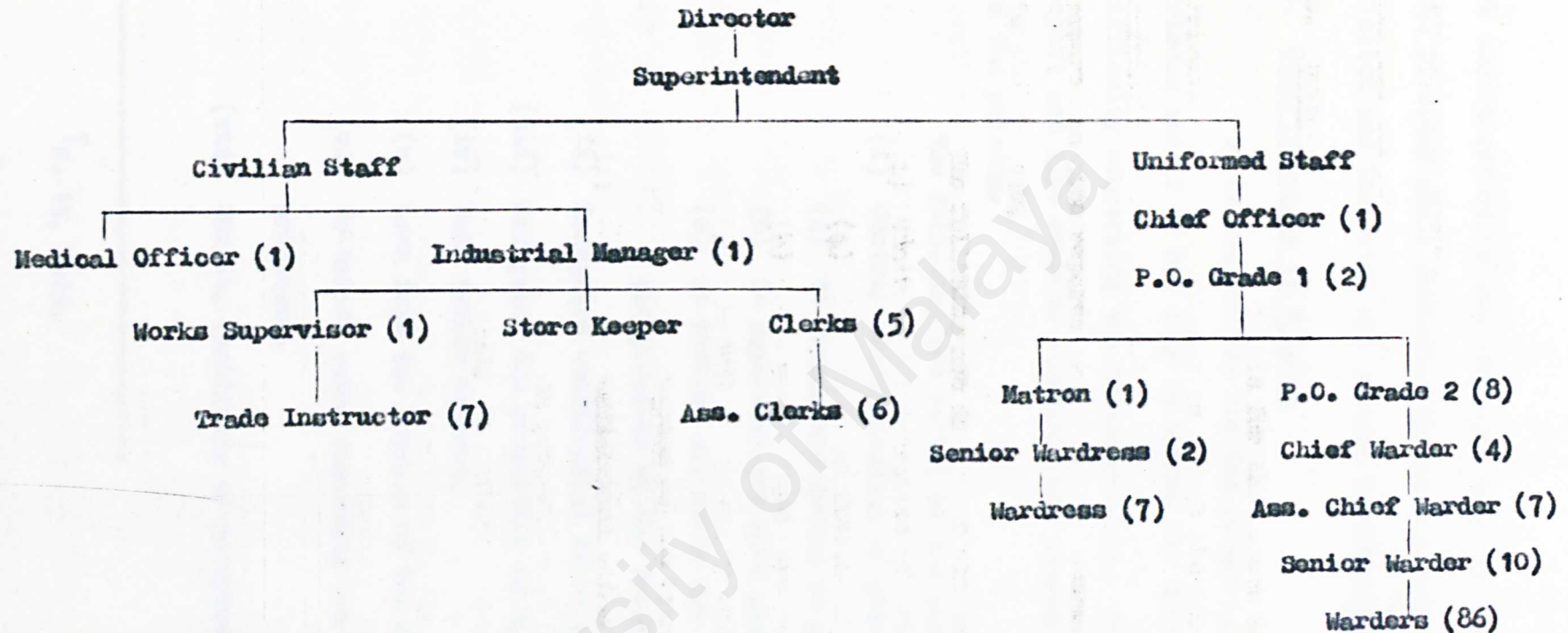
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<sup>4</sup>The Director is responsible for all prisons department in Sabah.

<sup>5</sup>S. 44(1), Sabah Prisons Regulations, 1958.

<sup>6</sup>S. 9(1), Sabah Prisons Ordinance, 1956.

# PERSONNEL CHART OF CENTRAL PRISONS



Total: 142

Source: Director of Prisons Sabah.



To ensure effective and efficient administration throughout the state the Director shall periodically visit and inspect or caused to be visited and inspected all prisons in the state.<sup>7</sup>

**D. Superintendent of Prisons**

He is responsible for the proper administration of the Central Prisons and it is his duty to inform the Director regarding any difficulty concerning the administration. He has to make prisoners report and also reports regarding any unusual incident which occurs in the prisons.

The following are duties of the superintendent:-

- (i) Central administration of prisons.
  - (a) To divide the duties of personnels.
  - (b) To supervise and give proper direction.
  - (c) To outline and carry out new policies towards the progress of the Prisons.
- (ii) Safeguard confidential files and receipts.
- (iii) Safeguard the properties of the prisoners.
- (iv) Make weekly reports.
- (v) Look into the welfare of the employees and prisoners.
- (vi) To decide cases regarding low ranking officers and prisoners.
- (vii) Housing facilities of personnel.

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<sup>7</sup>S. 11, Ibid.

### E. Functions of Officers-in-Charge

Officers-in-Charge are those who are appointed by the Director of Prisons to take charge of the various Prisons Department in Sabah. The Superintendent<sup>8</sup> takes charge of the Central Prisons in Kota Kinabalu. There are three other Officers-in-Charge. They hold the rank of Principle Officers Grade 1. Each takes charge of the three respective divisional Prisons, that is, in Tawau, Sandakan and Keningau.

Section 15 of the Sabah Prisons Ordinance, 1956 lays down the duties of an officer-in-charge. It states, 'Every officer in charge shall supervise and control all matters in connection with the prison to which he is appointed, and shall keep or cause to be kept such records in such form, as the Director<sup>9</sup> may from time to time direct for the efficient running of the prison, and shall be responsible to the Director for the conduct and treatment of prison officers and prisoners under his control and for the due observance by prison officers and prisoners of the provision of this Ordinance and of Regulations and Prison General Orders.'

Every Officer-in-Charge shall be charged with the responsibility for all arms, accoutrements, ammunition, clothing and all other public stores and foodstuffs issued and delivered for the use of the prison and Prison Officers under his control, and for all public money for which he may be held accountable, and also charged with all valuables, money, articles of clothing, and other property entrusted to his keeping as being the property of prisoners, and shall account for the same in case

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<sup>8</sup>There is only one Superintendent of Prisons in Sabah.

<sup>9</sup>The Director of Prisons, Sabah.



of their being lost or damaged, otherwise than by unavoidable accident, theft, robbery, or active service, or by being destroyed.<sup>10</sup>

Where any property specified in sub-section 1 of section 27 is lost or damaged and the value does not exceed one hundred dollars, the Officers-in-Charge shall proceed to ascertain the cause of the loss or damage, and the individual upon whom the responsibilities rests, and should he find any Prisons Officer responsible he may deduct the amount found due from the wages of the Prisons Officer in such instalments as he may think fit and shall report his action to the Director of Prisons.

The Prisons Regulations 1958 further states that the Officer-in-Charge shall be responsible for the proper management of the Prison to which he shall be appointed. He shall take care that prisoners are humanely treated, that the discipline is strictly enforced and that economy is duly promoted.<sup>11</sup>

#### **F. Principle Officer Grade 1**

He is to assist and to be responsible to the Superintendent regarding development, statistics, research, postal, making of estimates and other matters directed from time to time.

#### **G. Reception Officer<sup>12</sup>**

The following are duties of the Reception Officer:-

- (i) To receive prisoners on admission.
- (ii) To weigh prisoners on admission and on release.

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<sup>10</sup>S. 27(1), Sabah Prisons Ordinance, 1956.

<sup>11</sup>S. 46.

<sup>12</sup>Principle Officer Grade 2.

- (iii) To keep properties of prisoners.
- (iv) To make payment regarding salaries of prisoners.
- (v) To operate prisoners canteen.
- (vi) To take prisoners thumb-prints and photographs.
- (vii) Postal services for prisoners.
- (viii) To enable the medical officer to make medical report of prisoners.
- (ix) To arrange for prisoners to go to hospital and court.

#### H. Matron<sup>13</sup>

She is responsible for all activities carried out in the Woman Prisons. She has to make women prisoners record. It is her duty to see that the women prisoners are well behaved and abide by the Sabah Prisons Ordinance, Sabah Prison Regulations, 1958 and the General Orders. In short, it is the duty of the matron to arrange and administer the Woman Prisons.

#### I. Senior Wardress

It is her duty to assist the matron and also to see that the Woman Prison gates are properly locked. She is to take charge in the absence of the matron. The keeping of proper records of the women personnel is under her charge. She is also in charge of typing and filing.

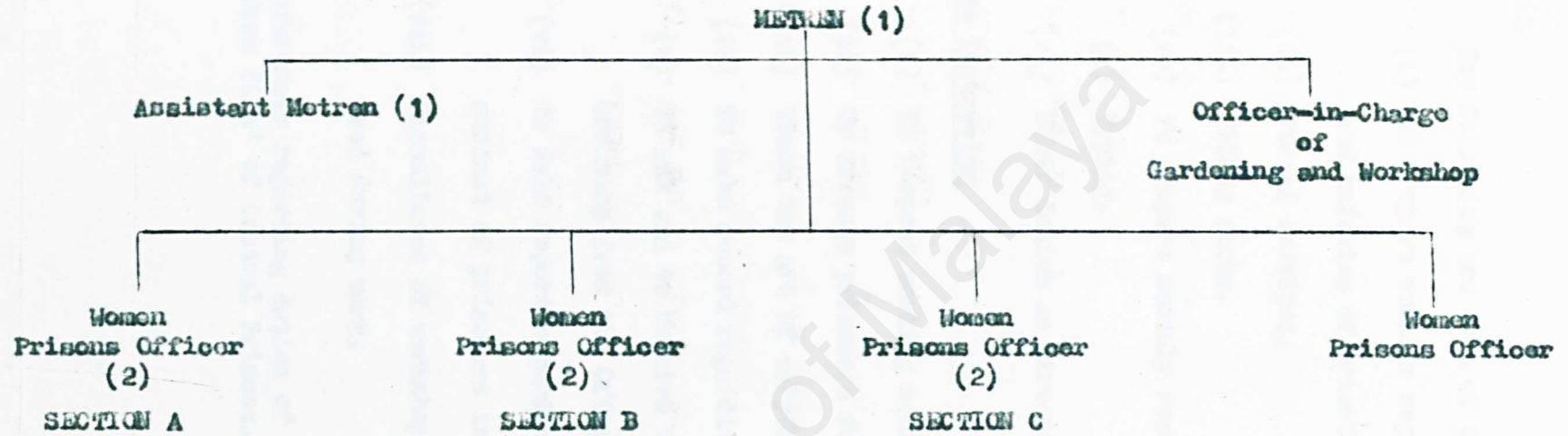
Chart 2 shows the Organisation Chart of Women Prisons.

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<sup>13</sup>Ibid.



ORGANISATION CHART  
WOMEN PRISON, KOTA KINABALU  
OFFICER-IN-CHARGE



Source: Women's Prisons, Kota Kinabalu.

#### J. Clerk

The following are some of the main duties of a clerk:-

- (i) To prepare voucher regarding payment of bills, allowance and salaries of prisoners.
- (ii) Postal services.
- (iii) Filing works.
- (iv) To prepare monthly report.
- (v) Typing.
- (vi) Other duties as directed by the Officer-in-Charge.

#### K. Trade Instructor

- (i) To inspect working equipment and machines.
- (ii) To arrange prisoners for work.
- (iii) Teach the art of carpentry, rattan work, etc.
- (iv) To make record regarding things used at the workshop.
- (v) To ask and to receive things that are lacking at the workshop from the Officer-in-Charge.
- (vi) To make report regarding the progress, safety and conduct of prisoners in their work.
- (vii) Cleanliness of workshop, machinery and other tools used during work.

Note: References regarding duties of personnels as mentioned above is 'Desk file' of Central Prisons.



## CHAPTER V

### PRISON PROGRAMME

#### A. Employment of Prisoners

It is mandatory for all prisoners to be engaged in useful work. Section 180 of the Sabah Prisons Regulation, 1958 provides that 'every prisoner shall be required to engage in useful work, all of which so far as practicable shall be spent in associated or other work outside the cells'. Since the word 'shall' is used in S. 180 it therefore means to say that all prisoners have to work. The element of force is therefore present. The Malaysian Constitution forbids any sort of forced labour. But Article 6(3)<sup>1</sup> provides that work incidental to the serving of a sentence of imprisonment imposed by a Court of law shall not be taken to be forced labour<sup>1</sup>. It can safely be submitted that the kind of forced labour as found in the Central Prisons does not contravene the Constitution.

In fact, prison employment is one of the major factors in contributing for building of morale, maintenance of security and high level of discipline. It is also one of the many ways of reducing or preventing tension, unrest and even rioting. In the absence of any sort of work at the Prisons, the prisoners will be left idle. This is bad since taxpayers money will be wasted in maintaining them. Not only that,

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<sup>1</sup> Malaysian Constitution, page 22.

the prisoners do not learn anything in Prison and this will have an adverse consequence on release.

The writer forms the opinion that prison employment is highly indispensable. It not only prevents idleness but it also trains the prisoners in industrial work. This is undoubtedly in line with the rehabilitation policy of the Central Prisons.

#### B. Prison Earning Scheme

Part XVI of the Sabah Prisons Regulations provides for prison earning scheme. This is a scheme whereby a prisoner earns as he works while serving his sentence. The scheme aims not only to provide incentive for greater production and better quality of work but also to alleviate any feeling of helplessness, inadequacy, unwantedness and moral depression that tend to beset the prisoners. Besides keeping the occupied the scheme aims to encourage those who are keen enough to learn a trade and better equip themselves to earn a living when they rejoin the community upon their release from prison.

Some of the benefits a prisoner receive from this scheme is that he is allowed to utilise his own earnings for the purchase of canteen items not normally available in his daily diet. The scheme also provides him the opportunity to save up money which will be given to him upon his release, thus providing some ready cash to meet part, if not all, of his expenses while seeking employment. All these tend to inculcate the feeling that he is not a helpless person.

Prisoners who come under the scheme are promoted from grade to grade. They begin as labourers<sup>2</sup> and gradually works their ways up.

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<sup>2</sup>The lowest grades in the scheme.



The various stages are, Labourer, Trainee<sup>3</sup>, Artisan<sup>4</sup> and Leader<sup>5</sup>. Promotions are approved by the superintendent on the recommendations of the officer-in-charge, on the basis of good conduct, industry and skill<sup>6</sup>. The Superintendent may also demote inmate in grade for offences or unsatisfactory conduct.

at page 60

Prisoners are paid 6 days a week. Table 4/ shows the amount received by the various grades of prisoners per week. Prisoners on the Earning Scheme will be permitted to spend on tobacco and such other small luxuries as may be allowed by the officer-in-charge a proportion of their weekly earnings as provided in Table 4. For purposes of equipping a prisoner with something to rely on when he leaves the prisons he is allowed to spend only certain fraction of his earning. Prisoners on the Earning Scheme will be permitted to spend their weekly earning up to a proportion as may be allowed by the officer-in-charge as follows<sup>7</sup>:-

Leader Grade - up to a maximum of 2/3

Artisan Grade - up to a maximum of 1/2

Trainee Grade - up to a maximum of 1/2

Labourer Grade - up to a maximum of 1/3

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<sup>3</sup> Prisoners who are in process of learning their work - 3rd grade.

<sup>4</sup> Prisoners who are skilled at their work but who have not reached the degrees of proficiency required of Leader. - Second grade.

<sup>5</sup> Prisoners who are highly skilled at their work and whose conduct is excellent - highest grade.

<sup>6</sup> S. 188(2) Sabah Prisons Regulations, 1958.

<sup>7</sup> S. 191, Ibid.

Prisoners who are undergoing punishment as ordered by the Superintendent or Officer-in-charge are barred from earning for the duration of the suspended period.

### C. Prison Industry

The bulk of activities at the Central Prisons revolves around Prison Industry. It has, in many way, benefited the prisoners. They are made to learn the trade which on release, will be of great help to them. The various kinds of jobs they perform are carpentry, tailoring, rattan work etc. For a clearer picture refer to Table 5 at page 61.

Vocational training and the industries within the prison should be geared, firstly, to the needs of the nation, and secondly the employment prospects of the prisoner upon his release. It is no use teaching a trade or giving any kind of education to the offender, when he is not going to secure a job upon his release. Vocational training should be kept up to date with the industries in the private sector, or else, by the time he is released, the demand for that kind of skilled labour may no longer be there, as the trade may have become obsolete. So it is necessary that the vocational training within the prisons be kept most up to date. In this way the prisoners would have spent their time in the most useful manner, i.e. in learning the trade, and working and earning some money at the same time. This will also bring some income for the prison industries, and thus the prisons may not become such a burden on the nation<sup>8</sup>.

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<sup>8</sup> Institutional Treatment, Summary Report of the Rapporteur, Resource Material Series No. 6, UNAFET, 1973. page 111.



The prisons can contribute a great deal towards nation building, by way of giving vocational training to the offenders for which there is a great demand. The eventual outcome of this will be a continuous supply of skilled labour for the industries of the private sector.

A question arises whether work is part of the scheme to keep prisoners occupied and prevent misery caused by endless hours of idleness or whether it is an additional punishment. The writer is of the opinion that imprisonment and the consequent removal from society is the total necessary punishment; work done in prison is not a continuing part of punishment. Work is infact part of the vital process of rehabilitation in the course of which the prisoner could contribute to the national output, occupy his mind and time, develop skills or learn a vocation<sup>9</sup>.

Regarding prison industries, it should be cautioned against the emphasis placed on production rather than the prisoners needs. Ideally, prison industries ought to be established for the purpose of training the prisoners and not for monetary gains. In the long run intangible benefits achieved by the successful rehabilitation of an offender will far outweigh the monetary gain.

In so far as the Central Prisons are concerned facilities provided for industrial purposes are out-dated. The tailoring workshop,

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<sup>9</sup>The Penal System of Singapore by A Muthucumarasamy; Resource Material Series No. 2, UNAFEI, 1971. page 127.

for example, provides only with very old fashioned sewing machine.

Perhaps it should be recommended that modern facilities be supplied if the policy is to keep the vocational training up to date.

#### D. The Remission System

When a judge imposes a 10 year prison sentence on to a person for a particular crime it does not necessarily mean that the person concerned has to serve the full ten year duration. Every prisoner under sentence of imprisonment for more than one month may by satisfactory industry and good conduct earn a remission of  $\frac{1}{3}$  of the period of his sentence<sup>10</sup>. But no remission may be earned by a prisoner serving a sentence in default of fine. Each prisoner on admission shall be credited with the full amount of remission he could earn and shall forfeit such portion of such remission as punishment for any prison offence as the Director of Prisons or Officer-in-charge may determine<sup>11</sup>. The Director may restore any forfeited remission in whole or in part in consideration of subsequent industry or good conduct or for any meritorious conduct<sup>12</sup>.

The remission system is, beyond doubt, a very good system. Generally, no one prefers to stay in prison. The sooner one gets out

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<sup>10</sup> S.81(1) Sabah Prison Ordinance, 1956

<sup>11</sup> S.81(2) Ibid.

<sup>12</sup> S.81(3) Ibid.



of it, all the better it would be. Therefore, the remission system automatically provides some incentive for the prisoners to behave themselves while serving their sentence. Obviously, it is in line with the rehabilitation policy of the Central Prison that prisoners should have very good prison record.

#### E. Health and Food

The general health of the prisoners is under the supervision of the Medical Officer. It can be said that, generally, the health of the prisoners are good. The number of prisoners at the sick bay does not normally exceed five. The health of the prisoners is of utmost importance to the Prisons Authorities. If the situation necessitate a sick prisoner will be sent to the general hospital for further medical treatment if the medical service at the prison is insufficient.

The nutritional value of the food is adequate and the rations, which are laid down centrally, provide a varied diet<sup>13</sup>. But the writer feels that adequate nutritional value of food is not enough if it does not cater for the taste of the prisoners. Maybe lousy food is contradictory to the rehabilitation programmes of the Central Prisons. It is difficult for the prisoners or anyone for that matter, to follow such rehabilitation policy with an unsatisfied stomach. Probably it can be submitted that food is a very important factor to assist a prisoner in the rehabilitation programme.

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<sup>13</sup> Prisons and Borstals, 4th Edition, page 71.

It has been widely admitted that prison food at the Central Prisons is below the standard of a reasonable man notwithstanding the fact that its nutritional value is satisfied. Cooking is done by the prisoners themselves. The writer was given the opportunity to taste food cooked by the prisoners<sup>14</sup>. The sincere opinion is that unless sufficient ingredients are given the food is far from good. Therefore one can imagine as to what an ordinary prisoner will expect for his daily diet.

Table 1 shows the scale and schedules of Prisoners Rations. From the Table itself one cannot expect very much. Three tahils of fish or beef or pork daily is very negligible. Even tea<sup>15</sup> is not served. The tea mentioned in the Prisoners Rations is ordinary plain tea without sugar. Talking about quality of food e.g. fish, it is at its lowest. Only cheep skate fish is supplied. Maybe it should be suggested that section 103(1)(vi) of the Sabah Prisons Ordinance, 1956 be invoked. It states that the Yang Di Pertua Negara may make regulations for a suitable diet and dietary scale for prisoners.

The punishment diet is terrible. Only rice and salt is served. Maybe the prisoners concerned deserved what they receive.

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<sup>14</sup> The writer spent 3 days at the Divisional Prison, Tawau. He had 6 meals cooked by prisoners.

<sup>15</sup> Tea time.



Punishment Diet has, to a large extent, served as a deterrent towards the violation by prisons of the Prisons Regulations. At the moment<sup>16</sup> no prisoner is under the punishment diet ration.

Convicted prisoners have to eat prison food<sup>17</sup>. But debtors, Prisoners awaiting trial, prisoners on remand and all other committed for safe custody can if they so chooses eat their own food<sup>18</sup>.

#### F. Extra - Mural Activities

In keeping abreast with modern trends in the treatment of offenders in prison institutions there is a very important need and place for extra - mural activities.

It is an established fact that physical education not only reduces tension but also positively contributes towards physical and mental well being. Furthermore, prisoners not only enjoy games but look forward to friendly competitions within the institution. More often than not, they will do their utmost not 'flirt with trouble' during the period before a game is due, for fear that they may be deprived from participating. After a game, most of the participants will be too exhausted to even contemplate of committing mischief or any act of indiscipline. In fact, they will be fully occupied for days after-

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<sup>16</sup>The sick ones will eat according to the recommendation of the medical officer. - S.177(4)(b). Sabah Prisons Regulations, 1958.

<sup>17</sup>S. 177(3). Ibid.

<sup>18</sup>S. 179, Ibid.

wards discussing the merits or demerits of the game. Most important is the impact of having abided by the rules of the game.

A game organised within the institution would also have a therapeutic effect in that the non-participants or spectators would benefit from the friendly rivalry generated by the game. To the staff games provide a wider opportunity to commingle with the prisoners enabling them to develop better relationship and instil a climate of faith and confidence. From the aforesaid, the writer is of the opinion that sporting activities could play an extremely important role in the rehabilitation programmes of the institution.

Organised games such as football, volleyball and other games form a very important aspect of diversional therapy at the Central Prisons. The annual athletic meet with all its splendour is the grand finale to the whole sporting programme.

Other recreational activities including library service, television are also available. The musically inclined prisoners are encouraged to join the prison band. But unfortunately the band confines its activities within the prison walls only. This is probably due to its low standard. The band only entertain fellow prisoners during yearly festivals.

It can therefore be said that extra mural activities has an important role to play in the programmes of the Central Prison. It keeps them alive and divert their mind into thinking that Prison life is horrible.

Reference:- The Penal System of Singapore by  
A. Mutuchumarasamy Resource Material  
Series: 2 U.N.A.F.E.I. p.p. 124 - 137.



TABLE 4

## 'PRISONERS EARNING SCHEME'

Increased from 1st August, 1967.

## 4 Sundays Earnings.

	Per-week	4 Weeks	Authorised Expenditure	Balance to be paid on release
Labourer	\$ 0.60	\$ 2.40	\$ 0.80( $\frac{1}{2}$ )	\$ 1.60
Linee	\$ 1.00	\$ 4.00	\$ 2.00( $\frac{1}{2}$ )	\$ 2.00
Isan	\$ 2.00	\$ 8.00	\$ 4.00( $\frac{1}{2}$ )	\$ 4.00
der	\$ 3.00	\$12.00	\$ 8.00( $\frac{2}{3}$ )	\$ 4.00
cial Leader	\$ 4.00	\$16.00	\$ 8.00( $\frac{1}{2}$ )	\$ 8.00

## Five Sundays Earning

	Per-week
Labourer	\$ 1.00
Linee	\$ 2.00
Isan	\$ 5.00
der	\$10.00
cial Leader	\$10.00

Source:- Prisons Dept.

TABLE 5

'PRISON INDUSTRIAL WORK'

Carpentry

1. Cupboard
2. Bed
3. Show cases
4. Packing case
5. Pupil desk
6. Teachers desk
7. Pupil bench
8. Wooden stool
9. Filling tray
10. Settee chair
11. Crutches
12. Office table
13. Mahjong table
14. Colapsecible baby cot
15. Orchid basket
16. Shoe rag.

Tinsmith Shop

1. Dust-bin
2. Letter box.

Rattan Furniture

1. Lazy chair
2. Garden chair
3. Settee chair
4. Arm chair
5. Round chair
6. Baby cot
7. Hanging chair
8. Rattan mat
9. Marketing basket
10. Broom
11. Indonesian Style Chair
12. Indonesian Style Settee
13. Baby feeding chair

Cobbler Workshop

Mostly repair work.

Dobi

Any kind of Attire



### Tailoring

1. J.K.R. Uniform
2. Long Pants
3. Short Pants
4. Long Sleeved Shirt
5. Short Sleeved Shirt
6. Bush Jacket

### Coconut Husk Materials

1. Foot & Floor Rugs.

Source:- Industrial Manager's File.

## CHAPTER VI

### RECOMMENDATION AND CONCLUSION

#### A. Public Participation<sup>1</sup>

It is not possible to rehabilitate the prisoners by merely locking up the offenders in prison. Rehabilitation is always difficult in captivity. To attain some measure of success in correction and rehabilitation, an unrestrictive atmosphere must be maintained in the prison and in treatment programmes such as education, vocational training, religious education, and the like. Such atmosphere should, in so far as possible, be established in accordance with the needs of each prisoner.

Imprisonment means the separation of the prisoners from their families and restriction inside prison walls. They are apt to be lonely. To overcome such feelings, the public can offer many services. Rule 16 of the Standard Minimum Rules for the Treatment of Prisoners which was promulgated by the United Nations<sup>2</sup> states that, 'The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be

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<sup>1</sup>Reference:- Public Participation in Institutional Treatment in Thailand by K. Sakiyalek; Resource Material Series No. 3, 1971, UNAFET, 101 - 104.

<sup>2</sup>Ibid.



enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of prisoners. There should be, in connection with every Prison institution, social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies (social benefits of prisoners).'

Public participation is most desirable in relation to the treatment of offenders. This is by virtue of the fact that members of society are afforded the opportunity to participate actively in the rehabilitation processes which, in turn, will enable them to comprehend the true situation inside the prison walls. Another important factor is that there is a need for friendship to alleviate loneliness and also to eliminate the anti-social feelings of prisoners. This is the duty of prison administrators and of every right-thinking people.

The Central Prison is aware of its significance and it has therefore try to carry out various programmes to reach the goal of rehabilitation. Some of the correctional programmes which exist at present are:-

- (1) weekly visits by religious leaders.
- (2) research on prison affairs by University students<sup>3</sup>.
- (3) public donations of books, publications, periodicals and magazines to the Department.
- (4) participation of prisoners in community activities to assist rehabilitation measures for the released prisoners.

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<sup>3</sup> This research is the first of its kind.

should be encouraged.

The writer feels that the areas of public participation is still not wide enough to reach the aim and purpose of rehabilitation. The Central Prisons should try to enlist more participation from the public. The followings are some of those things which ought to be adopted.

- (1) Recreation and group activities with the help of the public.<sup>4</sup>
- (2) Provision of special foods by the public to prisoners on holidays or religious days.
- (3) Sports teams from the community and outsiders should be invited to play matches with prisoners in correctional institutions.<sup>5</sup>
- (4) Experts and specialists in the community maybe asked to share their knowledge and skills in vocational training of the prisoners.
- (5) Participation of industrialists and business leaders to provide employment to prisoners due for release must be explored and promoted.
- (6) Exhibitions of products made by prisoners should be organised in order to acquaint the public with their skills and make the public understand that prisoners are

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<sup>4</sup>preferably voluntary organisations.

<sup>5</sup>If standard of the prisoners are low maybe young school boys be allowed to compete with them (prisoners).



not useless people but can be very useful. Hence public support for prisoners welfare may be motivated.

### B. Obstacles to Public Participation<sup>6</sup>

In general, the feelings and attitudes of the public towards the offenders are still negative. They form the opinion that prisoners should be segregated from society. If ever possible the public does not wish to have anything to do with them (prisoners). People in Sabah, generally, still stick to the old fashioned conception that crimes are typical of people who stand on the wrong side of the track. They feel that if a man has done it, he is likely to do it again. But the writer is of the opinion that such man may perhaps swear that he will never commit crime again. Maybe this kind of man, who was once a prisoner, is far better than an ordinary man who has never been to prison. It can, therefore, be submitted that ex-convicts are not what they were - if not all, at least some of them.

But a criminal is still considered a black sheep of society. Such attitude and feeling will undoubtedly serve as obstacles to public participation in institutional treatment.

### C. How to change the Negative Public Attitude<sup>7</sup>

It is needless to say, however, that the success of the rehabilitation programme depends on public response and co-operation. Unless the public becomes aware of the importance of rehabilitation

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<sup>6</sup> Ibid page 1.

<sup>7</sup> How to change Negative Public Attitudes Towards Criminals, by Bahram Singh Malla; Report for 1970 and Resource Material Series No. 1, UNAFEI; page 47.

theory and practices our new approach will undoubtedly fail.

There are various ways and means to change the negative public attitude. In Sabah the bulk of the population is still illiterate. Their knowledge is very limited. It is not therefore surprising that they do not have understanding towards criminals. Maybe the first step to be taken is to eradicate illiteracy.

The next step towards the changing of negative public attitude is to educate the public regarding prison affairs. The public should be made to realise that offenders are human and social beings and not an evil to the community. Offenders are members of society and whatever the repercussions may be they must return to society. In the absence of proper understanding and help of the people the ex-convicts cannot be resocialised. Therefore acceptance by society is impossible. Should that be the case crime prevention will be made very difficult. This is by virtue of the fact that once a prisoner leaves prison he has no other choice but to resought to his old way of life, that is, crime.

The writer feels that it is only the public that can help in crime prevention. Therefore, educating the public towards proper understanding of crime problems and criminals is of great significance. In this field mass media plays an important role. Publication regarding, inter alia, prisoners in newspapers or televising some of the rehabilitation programmes of prisoners should therefore be made. Maybe frequent arrangements of speeches by Prisons Personnels regarding Prison policy will do a lot of good in the approach of educating the common people.



#### D. Staff

In so far as staff is concerned the Central Prisons still has very poorly educated people recruited during the colonial days. Out of the 30 officers who responded to the questionnaires<sup>8</sup> none has ever reached form IV. Only 4 had been to form 3 and form 2. The rest only completed primary education. Only one finished primary 3. Some of them hold office as Principle Officers. If not so well educated people were to hold very responsible jobs, probably successful rehabilitation of prisoners cannot be achieved.

'The task of rehabilitating prisoners should be undertaken by trained, matured and above all, dedicated staff. Ideally such personnel should possess a reasonably good working knowledge of criminology, penology and other social sciences such as psychology, psychiatry or medical science but unfortunately these people are hard to come by. It is also felt that the staff should possess other qualities such as sincerity and dedication in his work that his attitude should not always and mainly devolve on pay and promotion prospects. Whilst performing his duties, he should not constantly be on the watch for the time when he could go off duty. A good officer should be a person with an even temper, understanding, kind and genuinely interested in the well-being of his fellow-men'.<sup>9</sup>

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<sup>8</sup> It was officially distributed by the Director of Prisons at the request of the writer.

<sup>9</sup> Resource Material Series No. 2, UNAFPI, 1971 Page 136.

While it is true that this concept of competent and qualified personnel to work in the prisons is being accepted in principle, this field fails to attract the staff necessary to achieve the objectives of the prison system. This situation is probably common to all countries. Many reasons have been adduced to explain the phenomenon, but the more rational and logical ones are<sup>10</sup> :-

(1) Monetary gains are small. The salary scale of this service and the fringe benefits do not appear to be sufficiently lucrative to attract high calibre staff. A Superintendent of Prisons gets only a basic monthly salary of \$750/-<sup>11</sup> for a start, and candidate for such post must possess an honours degree. In Sabah, a person with honours degree can easily earn more than \$1,000/- monthly.

(2) Social Prestige is low. Prison officers do not appear to enjoy a high prestige in society in relation to other professions. Somehow, they are viewed as second class persons, probably stemming from a fallacious reasoning that people who work with the worst characters in society are themselves probably the misfits.<sup>12</sup> Maybe the public is justified in forming the adverse opinion about the Central Prisons. Football is the most popular game in Sabah but the impression the Prison Footballers gave to the public was most discouraging. It is suggested that the Director of Prisons look seriously into this matter.

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<sup>10</sup> Some Problems of Rehabilitation by Narain Singh, Resource Material Series No. 6, UNAFEI, 1973; page 170.

<sup>11</sup> See figure.

<sup>12</sup> Probably such reasoning holds some truth. During the writer's 10 years football career in Sabah it had been well established that prison football team was the most notorious.



(3) Working conditions are strenuous. Bulk of the work done by the prison officers is done standing, leading to physical strain. There are numerous other restriction such as smoking (a real ordeal for smokers) and difficulty in having refreshment while on duty.

(4) The scope in the service is usually limited. There are many officers who perform their duties diligently and with dedication, but over a period of time, they appear to come to the conclusion that the scope in this service is usually limited. The long wait for promotions tends to kill incentive and interest, leaving many persons disillusioned and frustrated.

#### E. Discharged Prisoners Aid Society<sup>13</sup>

This society contemplates after care services. Such service is envisaged as a continuation of the imprison service stretching to the community outside. This service should be offered to people in need of it. It is a process of rehabilitation towards his reintergration in society and it should start on his admission and not on his release. There should be a close co-ordination between the prison social services and the after-care services to make it complementary and continuous. The efforts to relate a man to his outside environment should best be carried out by the same social worker in the prison social services who will also assist him after discharge. He may need help to relieve him of the pressures and social problems from someone in whom he has confidence or who have helped him in the past.

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<sup>13</sup>The Penal System of Singapore by A. Muthucumarasamy, Resource Material Series No. 2, UNAFPI, 1971, page 133.

There are of course exceptions for those who have cultivated a healthy independence and will want to start anew and forget about prison altogether. He may regard after-care as not very necessary. But there will be many whose personal inadequacies have brought them into prison and need support, material or moral, if they are not to return. It is this type of prisoner to whom the after-care services should pay attention.

The importance of Discharged Prisoners Aid Society has long been realised. But unfortunately there is no such society in Sabah. Maybe it can be said that the absence of this society has led to a growing number of recidivists.<sup>14</sup> Since, on release, there is no one to take care of them and also due to difficulty of getting jobs, the prisoners have no other choice but to go back to criminal activities. Therefore the Discharged Prisoners Aid Society is indispensable. Probably Section 103 (1)(ix)<sup>15</sup> should be invoked. It gives power for the Head of State<sup>16</sup> to establish prisoners' aid associations and societies in connection with discharged prisoners and those discharged prisoners on licence.

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<sup>14</sup>The rate of recidivism is undoubtedly very high. The increasing number could be checked to a certain extent with the existence of the Discharged Prisons Aid Society.

<sup>15</sup>Sabah Prisons Ordinance, 1956.

<sup>16</sup>Yang-di-Pertua Negara.



## Conclusion

Sabah Prisons is still undergoing a process of development. To many, it is very much unknown. This is probably due to the indifferent attitude of many towards people who had done something wrong towards society. Maybe the management has not done enough to open the eyes of the public and tell them that Prison institution actually exists. Up to this very date, the public are inclined to believe that prison is a place of punishment. Therefore, if such is the case why should they bother about the population or people in the prison. They are there to be punished by a lawful authority. Help is therefore unnecessary.

It is important, therefore, that the Prisons Authorities should enable the public to see the true picture of the Prison. To be successful in its programmes the public must be explained regarding the actual policy and object of a prison. If only the public knew that prisoners really need their (public) help the writer is confident that some assistance will be provided for.

There are so many voluntary and charitable organisations who are always ready to give help to those in need of it. But little do they know that prisoners need help. Hence their eyes are closed in so far as the Prisons Institution is concerned.

Therefore, the writers feels that some of the proposals and recommendations ought to be adopted in order to make the Central Prisons a better place of abode for the prisoners.

But the Sabah Prison is still in its germinating stage and, therefore, one cannot expect much from it. Even the people in control of the institution are not well educated. The Principal officers, most of

which have attained form five education, are very young. A great majority are in their twenties. Hence they are very inexperienced. Most of the older staff are in the lower rank. These officers, most of which were employed during pre-Malaysia day, are very experienced particularly in custodial work. But in so far as the modern concept of rehabilitation is concerned, they have very little ideas as to what it is all about. Under such staff conditions nothing much can be achieved at this stage. But with the steady inflow of educated young men entering Prisons' Department, improvement is surely on its way.



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